



Docket No.: 243098US2SRD

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

ECKHARD H. KUESTERS  
(703) 413-3000  
EKUESTERS@OBLON.COM

RE: Application Serial No.: 10/669,356

Applicants: Tomoya KODAMA, et al.

Filing Date: September 25, 2003

For: VIDEO ENCODING APPARATUS AND METHOD  
AND VIDEO ENCODING MODE CONVERTING  
APPARATUS AND METHOD

Group Art Unit: 2613

Examiner: Le, V.

SIR:

Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

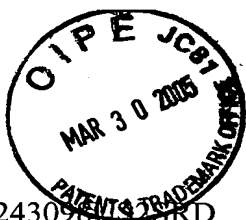
Eckhard H. Kuesters

Registration No. 28,870

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)



DOCKET NO: 243096 SRD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
TOMOYA KODAMA ET AL : EXAMINER: LE, V.  
SERIAL NO: 10/669,356 :  
FILED: SEPTEMBER 25, 2003 : GROUP ART UNIT: 2613  
FOR: VIDEO ENCODING APPARATUS :  
AND METHOD AND VIDEO ENCODING  
MODE CONVERTING APPARATUS AND  
METHOD

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated March 9, 2005, Applicants provisionally elect with traverse the species of Species 1, identified in the outstanding Official Action as corresponding to Figure 1, for further examination on the merits. Applicants identify Claims 1-4, 9, 10 and 36-41 as readable on the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

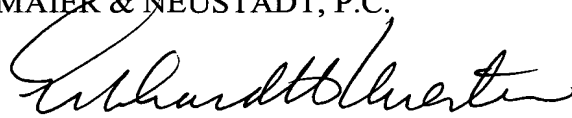
Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-41 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

I:\ATTY\EHK\AMEND-RESPONSES\0039\24s\243098US-PE.DOC